

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

HENRY MICHAEL LEWIS, #1070793

Plaintiff,

versus

AARON J. TEMPKINS, JR., *et al.*,

Defendants.

CIVIL ACTION NO. 1:20-CV-344

ORDER ADOPTING THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

Plaintiff Henry Michael Lewis, an inmate confined at the Boyd Unit of the Texas Department of Criminal Justice, Correctional Institutions Division, proceeding *pro se*, brought this lawsuit pursuant to 42 U.S.C. § 1983. The court referred this matter to the Honorable Christine L. Stetson, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The magistrate judge recommends dismissing the action without prejudice pursuant to 28 U.S.C. § 1915(g). To date, the parties have not filed objections to the report.

The court received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such referral, along with the record, pleadings and all available evidence. After careful review, the court finds that the findings of fact and conclusions of law of the United States Magistrate Judge are correct.

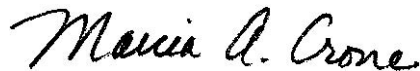
Accordingly, the Report and Recommendation of the United States Magistrate Judge is **ADOPTED**. As a result, it is

ORDERED that the order granting plaintiff's application to proceed *in forma pauperis* (#6) is **WITHDRAWN**, and plaintiff's *in forma pauperis* status is **REVOKED**. Further, it is

ORDERED that the Clerk of Court is **DIRECTED** to refund the partial payments of the filing fee received on June 14, 2021 and October 25, 2021, totaling \$350.00, to plaintiff's prisoner account. Finally, it is

ORDERED that no further payments for the filing fee are to be deducted from plaintiff's account. **The Clerk shall notify TDCJ of this order via email or by mailing a copy of this order to TDCJ Inmate Trust Fund, Attention Court Collections, P.O. Box 629, Huntsville, Texas 77342-0629.** This dismissal is without prejudice to plaintiff's ability to reinstate the above-styled action within twenty (20) days from the date of this order by paying \$402.00, the full filing fee for this action. A final judgment will be entered in this case in accordance with the magistrate judge's recommendation.

SIGNED at Beaumont, Texas, this 12th day of May, 2023.

A handwritten signature in black ink, reading "Marcia A. Crone". The signature is written in a cursive, flowing style. Below the signature is a horizontal line.

MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE